

AMENDED IN ASSEMBLY JULY 1, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 20, 2005

SENATE BILL

No. 428

Introduced by Senator Scott

February 17, 2005

~~An act to amend Sections 41500, 41505, 41506, 41522, 41530, 41531, and 41532 of, to repeal Section 41505.5 of, and to repeal and add Sections 41507 and 41572 of, the Education Code, relating to education finance. An act to amend Sections 44252.7, 44274, 44274.2, and 44275.3 of, to repeal Sections 44252, 44252.5, 44252.8 44252.9, 44274.5, and 44830 of, and to repeal Section 13 of Chapter 902 of the Statutes of 2004, relating to teachers.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 428, as amended, Scott. ~~Education finance. Teachers.~~

(1) Existing law requires the Commission on Teacher Credentialing to establish standards and procedures for the initial issuance and renewal of credentials, and prohibits the commission from initially issuing a credential, permit, certificate, or renewal of an emergency credential to a person unless that person passes the state basic skills proficiency test administered by the commission.

This bill would repeal those provisions and make various conforming changes.

(2) Existing law requires the Commission on Teacher Credentialing to grant a credential to an applicant from another state who completed teacher preparation that is at least comparable and equivalent to preparation that meets teacher preparation standards in

California. Existing law also requires such an applicant to meet the requirements for the basic skills proficiency test.

This bill would delete that requirement.

(3) Existing law requires the governing board of a school district to employ for positions requiring certifications qualifications only persons who possess the qualifications prescribed by law. Existing law also declares that it is contrary to the public policy of the state for a school district to refuse to employ a person for reasons of race, color, religious creed, sex, or national origin.

This bill would repeal those provisions.

~~This bill would authorize a school district to use pupil retention block grant funds only if those supplemental instructional programs are fully funded, and would include those supplemental instructional programs within the block grant.~~

~~Existing law requires a school district that receives pupil retention block grant funds to have a school level advisory committee and a single school plan.~~

~~This bill would instead require that, as a condition to the receipt of pupil retention block grant funds, a school district shall establish and maintain a schoolsite council.~~

~~(3) Existing law establishes the teacher credentialing block grant for the purposes of apportioning block grant funds, composed of funding from and for beginning teacher support and assessment programs, to certain school districts. Existing law requires that the amount of block grant funding a school district receives be adjusted for inflation, as specified, and for growth, as measured by the regular average daily attendance used for the second principal apportionment.~~

~~This bill would instead require that the amount of block grant funding a school district receives be adjusted for growth, as measured by the number of eligible participants in those programs.~~

~~(4) Existing law establishes the professional development block grant composed of funding from and for specified existing categorical education programs. Existing law requires the Superintendent to apportion block grant funds to a school district based on the number of certificated teachers employed by the school district in the immediately prior fiscal year. Existing law authorizes a school district to expend these funds if it provides each teacher of kindergarten or any of grades 1 to 6, inclusive, with opportunities to participate in professional development activities in reading language arts/English language development, expending at least an amount that is equal to~~

~~the proportion that funding calculated pursuant to the existing Mathematics and Reading Professional Development Program. Existing law requires that the amount of block grant funding a school district receives be adjusted for inflation, as specified, and for growth, as measured by the regular average daily attendance used for the second principal apportionment.~~

~~This bill would delete that proportional expenditure requirement and would additionally require a school district to provide information on teacher development needs and the effectiveness of programs included within the block grant, as requested by the Superintendent. The bill would, commencing with the 2006-07 fiscal year, include the Mathematics and Reading Professional Development Program within the block grant. The bill would require that the amount of block grant funding a school district receives be adjusted for growth, as measured by the number of certificated teachers employed by the school district in the immediately prior fiscal year.~~

~~(5) Existing law requires a school district that receives school and library improvement block grant funds to have a school level advisory committee and a single school plan.~~

~~This bill would instead require that, as a condition to the receipt of school and library improvement block grant funds, a school district shall establish and maintain a schoolsite council.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 44252 of the Education Code is~~
2 ~~repealed.~~
3 ~~44252. (a) The commission shall establish standards and~~
4 ~~procedures for the initial issuance and renewal of credentials.~~
5 ~~(b) Commencing on February 1, 1983, the Commission on~~
6 ~~Teacher Credentialing shall not issue initially any credential,~~
7 ~~permit, certificate, or renewal of an emergency credential to any~~
8 ~~person to serve in the public schools unless the person has~~
9 ~~demonstrated proficiency in basic reading, writing, and~~
10 ~~mathematics skills in the English language as provided in Section~~
11 ~~44252.5. However, an emergency credential holder who has~~
12 ~~passed the basic skills proficiency test shall not be required to~~
13 ~~repeat the test in order to obtain a renewal of his or her~~

1 emergency credential. The commission shall exempt from the
2 basic skills proficiency test requirement any of the following
3 persons:

4 (1) A person credentialed solely for the purpose of teaching
5 adults in an apprenticeship program.

6 (2) An applicant for an adult education designated subject
7 credential for other than an academic subject.

8 (3) A person credentialed in another state who is an applicant
9 for employment in a school district in this state who has passed a
10 basic skills proficiency examination which has been developed
11 and administered by the school district offering that person
12 employment, or by cooperating school districts, or by the
13 appropriate county office of education. School districts
14 administering a basic skills proficiency examination under this
15 paragraph shall comply with the requirements of subdivision (h)
16 of Section 44830. Such an applicant shall be granted a
17 nonrenewable credential, valid for not longer than one year,
18 pending fulfillment of the basic skills proficiency requirement
19 pursuant to Section 44252.5.

20 (4) An applicant for a child care center permit or a permit
21 authorizing service in a development center for the handicapped,
22 so long as the holder of the permit is not required to have a
23 baccalaureate degree.

24 (5) The holder of a credential, permit, or certificate to teach,
25 other than an emergency credential, who seeks an additional
26 authorization to teach.

27 (6) An applicant for a credential to provide service in the
28 health profession.

29 (e) By December 31, 1982, the Superintendent of Public
30 Instruction shall adopt an appropriate state test to measure
31 proficiency in these basic skills. In adopting the test, the
32 superintendent shall seek assistance from the commission and an
33 advisory board. A majority of the members of the advisory board
34 shall be classroom teachers. The board shall also include
35 representatives of local school boards, school administrators,
36 parents, and postsecondary institutions.

37 The superintendent shall adopt any normed test that the
38 superintendent determines will sufficiently test basic skills for
39 purposes of this section.

1 The superintendent, in conjunction with the commission and
2 approved teacher training institutions, shall take steps necessary
3 to insure the effective implementation of this provision.

4 (d) Nothing in this section shall be construed as requiring the
5 holders of, or applicants for, a designated subjects special
6 subjects credential or vocational designated subject credential to
7 pass the state basic skills proficiency test, unless the
8 requirements for the specific credential required the possession
9 of a baccalaureate degree. The governing board of each school
10 district, or each governing board of a consortium of school
11 districts, or each governing board involved in a joint powers
12 agreement, which employs a holder of a designated subjects
13 special subjects credential or vocational designated subject
14 credential shall establish its own basic skills proficiency criteria
15 for the holders of these credentials and shall arrange for those
16 individuals to be assessed. The basic skills proficiency criteria
17 established by the governing board shall be at least equivalent to
18 the test required by the district, or in the case of a consortium or
19 a joint powers agreement, by any of the participating districts, for
20 graduation from high school. The governing board or boards may
21 charge a fee to individuals being tested to cover the costs of the
22 test, including the costs of developing, administering, and
23 grading the test.

24 (e) The commission shall compile data regarding the rate of
25 passing the state basic skills proficiency test by persons who
26 have been trained in various institutions of higher education. The
27 data shall be available to members of the public, including to
28 persons who intend to enroll in teacher education programs.

29 (f) Each applicant to an approved credential program, unless
30 exempted by subdivision (b), shall take the state basic skills
31 proficiency test in order to provide both the prospective applicant
32 and the program with information regarding the applicant's
33 proficiency level. Test results shall be forwarded to each
34 California postsecondary institution to which the applicant has
35 applied. The program shall use test results to ensure that upon
36 admission, each applicant receives appropriate academic
37 assistance necessary to pass the state basic skills proficiency test.
38 Persons residing outside the state shall take the test no later than
39 the second available administration following their enrollment in
40 a credential program.

1 It is the intent of the Legislature that applicants for admission
2 to teacher preparation programs not be denied admission on the
3 basis of state basic skills proficiency test results.

4 *SEC. 2. Section 44252.5 of the Education Code is repealed.*

5 ~~44252.5. (a) The commission shall administer the state basic~~
6 ~~skills proficiency test pursuant to Sections 44227, 44252, and~~
7 ~~44830 in accordance with rules and regulations adopted by the~~
8 ~~commission. The adopted rules and regulations shall be~~
9 ~~promulgated by the commission before January 1, 1983, and~~
10 ~~shall be exempt from the requirements of Section 44232. A fee~~
11 ~~shall be charged to individuals being tested to cover the costs of~~
12 ~~the test, including the costs of developing, administering, and~~
13 ~~grading the test. The commission shall establish the amount of~~
14 ~~this fee. However, the fee shall not exceed thirty dollars (\$30) in~~
15 ~~the 1982-83 fiscal year, thirty-five dollars (\$35) in the 1983-84~~
16 ~~fiscal year, and forty dollars (\$40) for the 1984-85 fiscal year to~~
17 ~~January 1, 2002. Subsequent to January 1, 2002, the amount of~~
18 ~~the fee shall be established by the commission to recover the cost~~
19 ~~of examination administration and development pursuant to~~
20 ~~Section 44235.3.~~

21 ~~(b) The commission may enter into agreements with other~~
22 ~~states permitting the use of the state basic skills proficiency test~~
23 ~~as a requirement for the issuance of credentials or for teacher~~
24 ~~preparation program admission in those other states, provided~~
25 ~~that the use would advance the interests of the State of California~~
26 ~~and that the other states reimburse the Teacher Credentials Fund~~
27 ~~for a proportionate share of costs of the development and~~
28 ~~administration of the test.~~

29 ~~(c) Any individual who passes the state basic skills proficiency~~
30 ~~test, as adopted by the Superintendent of Public Instruction, shall~~
31 ~~be considered proficient in the skills of reading, writing, and~~
32 ~~mathematics, and shall not be required to be retested by this test~~
33 ~~for purposes of meeting the proficiency requirements of Sections~~
34 ~~44227, 44252, and 44830.~~

35 ~~(d) Any individual who passes one or more components of the~~
36 ~~state basic skills proficiency test in the subjects of basic reading,~~
37 ~~writing, or mathematics, shall be deemed to have demonstrated~~
38 ~~his or her proficiency in these subject areas and shall not be~~
39 ~~required to be retested in these subjects during subsequent test~~
40 ~~administrations.~~

SEC. 3. Section 44252.7 of the Education Code is amended to read:

44252.7. (a) Commencing on September 1, 1984, applicants for an initial regular children's center instructional permit, and applicants for the renewal of an emergency children's center permit or a limited service permit shall demonstrate proficiency in basic reading, writing, and mathematics skills by doing one of the following:

(1) Passing a proficiency test developed by a school district pursuant to either Section 45361.5 or 51216.

(2) Having met the requirements for an associate degree or baccalaureate degree.

~~(3) Passing the California Basic Education Skills Test.~~

~~(4)~~

(3) Passing a field-based assessment approved by the Commission on Teacher Credentialing.

(b) If a child care and development program teacher employed prior to September 1, 1984, in such a program receiving public funds does not demonstrate proficiency in basic skills pursuant to this section, he or she shall be given two years to master these basic skills without jeopardizing the renewal of his or her permit, and shall be given additional opportunities to be reassessed.

(c) Persons seeking compensation as a child care and development program teacher in such a program who have limited English-speaking ability may be granted an additional exemption to this requirement by the employing agency, for a period of up to one year, if the agency deems that the exemption is in the best interest of the children enrolled in the program. No person shall be exempted from these requirements for more than a total of three years.

(d) School districts receiving public funds to operate a child care and development program under direct contract with the ~~State Department of Education~~ *department* and subject to regulations set forth in Title 5 of the California Administrative Code shall make available to persons seeking compensation for work as teachers in the program the test developed or administered pursuant to Section 45361.5 or 51216.

A school district may charge a fee to persons taking the test pursuant to the requirements of this section to fund the actual costs incurred by the district in giving the test.

(e) ~~The State Department of Education~~ *department* shall make available an appropriate test meeting the requirements of this section to a person seeking compensation for work as a child care and development program teacher in such a center which is not administered by a school district. School districts shall assist the ~~State Department of Education~~ *department* in fulfilling this requirement by making available to the department, upon request, the test developed or administered pursuant to Section 45361.5.

(f) ~~The State Department of Education~~ *department* may charge a fee to persons taking the test pursuant to the requirements of this section to fund the actual costs incurred by the department in giving the test.

SEC. 4. Section 44252.8 of the Education Code is repealed.

~~44252.8. (a) The commission may defer the state basic skills proficiency test requirement in any case when illness, a family death, or another similar and justifiable personal reason prevented a credential applicant who had registered to take the test from taking the test, or in any case when circumstances entirely beyond the control of the applicant prevented his or her receipt of proof of having passed the test. However, the commission shall not grant a deferral to any person who has failed the state basic skills proficiency test.~~

~~Any person granted a deferral pursuant to this section shall take the state basic skills proficiency test at the next available opportunity, or the deferral shall terminate. If any person granted a deferral fails to pass the test, the deferral shall terminate.~~

~~(b) The commission shall keep a record of deferrals granted, the persons to whom they were granted, and the reasons for the deferrals.~~

SEC. 5. Section 44252.9 of the Education Code is repealed.

~~44252.9. (a) The Legislature finds and declares that the effective education of pupils in kindergarten and grades 1 to 12, inclusive, depends substantially on the academic skills, content competence, and pedagogical preparation of classroom teachers. It is essential that the ongoing administration of the state basic skills proficiency exam for teachers be carried out at all times by a competent contractor who adheres to high standards using sound, effective, and defensible assessment procedures. The administration of this exam is jeopardized by the increasing costs~~

1 of the exam and statutory restrictions that remain in effect. To
2 preserve and strengthen the screening of teacher candidates in
3 relation to their basic academic skills, the Legislature intends to
4 maintain the state examination that is administered by the
5 commission pursuant to Section 44252.5, and to support needed
6 improvements in exam-related services to teaching credential
7 candidates.

8 (b) The commission shall make improvements to increase
9 access to the state basic skills proficiency test, and shall improve
10 exam-related services provided to candidates for teaching
11 credentials, which may include, but are not limited to, the
12 following:

13 (1) Administering the test more frequently.

14 (2) Increasing the number of testing locations.

15 (3) Making the exam available year-round by appointment at
16 examination centers that are highly secure and professionally
17 supervised.

18 (c) The commission shall adopt these improvements in
19 consultation with the Department of Finance and shall report all
20 improvements to the Legislature, no later than January 1, 2003.

21 *SEC. 6. Section 44274 of the Education Code is amended to*
22 *read:*

23 44274. (a) The commission shall conduct periodic reviews to
24 determine whether any state has established teacher preparation
25 standards, including standards for teachers of English learners,
26 that are at least comparable and equivalent to teacher preparation
27 standards in California.

28 (b) If the commission determines, pursuant to subdivision (a),
29 that the teacher preparation standards established by any state are
30 at least comparable and equivalent to teacher preparation
31 standards in California, the commission shall initiate negotiations
32 with that state to provide reciprocity in teacher credentialing.

33 (c) ~~(1)~~ The commission shall grant an appropriate credential
34 to any applicant from another state who completes teacher
35 preparation that is at least comparable and equivalent to
36 preparation that meets teacher preparation standards in
37 California, as determined by the commission pursuant to this
38 section, if the applicant meets the requirements of California for
39 the basic skills proficiency test pursuant to subdivision (d) of

1 Section ~~44275.3~~ and teacher fitness pursuant to Sections 44339,
2 44340, and 44341.

3 ~~(2) If the commission determines that the teacher licensing~~
4 ~~body of another state requires an applicant to demonstrate a level~~
5 ~~of basic skills proficiency that is at least comparable to passage~~
6 ~~of the state basic skills proficiency test, applicants from that state~~
7 ~~are not required to meet the requirements of California for the~~
8 ~~basic skills proficiency test.~~

9 ~~(d) A The reciprocity agreement~~ established pursuant to
10 subdivision (b) shall not exempt an out-of-state applicant from
11 submitting an identification card pursuant to Section 44340 and
12 obtaining a certificate of clearance, credential, permit, or
13 certificate of eligibility from the commission.

14 (e) The commission shall issue credentials to out-of-state
15 prepared teachers based on all of the following:

16 (1) Equivalent preparation received outside of this state.

17 (2) Equivalent reading instruction, as determined by the
18 reviews conducted pursuant to Section 44274.1.

19 (3) Equivalent subject matter programs or credential emphasis
20 programs, as determined by the reviews conducted pursuant to
21 Section 44274.1.

22 *SEC. 7. Section 44274.2 of the Education Code is amended to*
23 *read:*

24 44274.2. (a) Notwithstanding any provision of this chapter,
25 the commission shall issue a five-year preliminary multiple
26 subject teaching credential authorizing instruction in a
27 self-contained classroom, a five-year preliminary single subject
28 teaching credential authorizing instruction in departmentalized
29 classes, or a five-year preliminary education specialist credential
30 authorizing instruction of special education pupils to any
31 experienced out-of-state prepared teacher who meets all of the
32 following requirements:

33 (1) Possesses a baccalaureate degree from a regionally
34 accredited institution of higher education.

35 (2) Completed a teacher preparation program at a regionally
36 accredited institution of higher education.

37 (3) In the case of an applicant for a five-year preliminary
38 single subject teaching credential, completed an academic major
39 in the subject area of the credential sought as determined by the
40 commission.

1 (4) Earned a valid corresponding elementary, secondary, or
2 special education teaching credential based upon the out-of-state
3 teacher preparation program.

4 (5) Verified a minimum of three years of full-time teaching
5 experience completed in another state in the subject of the
6 credential sought.

7 (6) Submitted evidence of rigorous performance evaluations
8 on which the applicant received ratings of satisfactory or better.

9 ~~(b) A teacher shall pass the state basic skills proficiency test~~
10 ~~administered by the commission pursuant to Section 44252~~
11 ~~within one year of the issuance date of the credential in order to~~
12 ~~be eligible to continue teaching pursuant to this section.~~

13 ~~(e)–~~

14 (b) The commission shall issue a professional clear multiple
15 subject, single subject, or education specialist teaching credential
16 to any applicant who provides verification of five or more years
17 of teaching experience to meet the requirement of subdivision
18 (a), and who documents, in a manner prescribed by the
19 commission, that he or she fulfills each of the following
20 requirements:

21 (1) The commission has issued to the applicant a preliminary
22 five-year teaching credential pursuant to subdivision (a).

23 (2) The applicant has completed 150 clock hours of activities
24 that contribute to his or her competence, performance, and
25 effectiveness in the education profession, and that assist the
26 applicant in meeting or exceeding standards for professional
27 preparation established by the commission.

28 ~~(d)–~~

29 (c) The commission shall issue a professional clear multiple
30 subject, single subject, or education specialist teaching credential
31 to any applicant who provides verification of three or four years
32 of teaching experience to meet the requirement of subdivision
33 (a), and who documents in a manner prescribed by the
34 commission, that he or she fulfills each of the following
35 requirements:

36 (1) The commission has issued to the applicant a preliminary
37 five-year teaching credential pursuant to subdivision (a).

38 (2) The applicant has completed either of the following:

1 (A) A program of beginning teacher support and assessment
2 established pursuant to Article 4.5 (commencing with Section
3 44279.1) of Chapter 2 of Part 24.

4 (B) An alternative program of beginning teacher induction that
5 the commission determines, in conjunction with the
6 Superintendent of Public Instruction, meets state standards for
7 teacher induction.

8 *SEC. 8. Section 44274.5 of the Education Code is repealed.*

9 ~~44274.5. Notwithstanding Section 44227, Section 44259, or
10 any other provision of this chapter, an applicant who holds a
11 valid teaching credential from a state other than California, and
12 who has met, at a minimum, every requirement for a California
13 professional multiple or single subject credential except the
14 requirement of completion of a fifth year of study, may request
15 the commission to determine whether the applicant has
16 completed at least equivalent coursework. If the commission
17 determines that the applicant has completed at least equivalent
18 coursework, the commission shall issue the applicant an
19 appropriate credential, if the applicant has submitted a fingerprint
20 card and has met the requirements of California for teacher
21 fitness by obtaining a certificate of clearance or eligibility, a
22 credential, or a permit from the commission.~~

23 *SEC. 9. Section 44275.3 of the Education Code is amended to*
24 *read:*

25 44275.3. Notwithstanding any other provision of law:

26 (a) It is the intent of the Legislature that ~~both of the following~~
27 ~~occur:~~

28 ~~(1) That this section provide flexibility to enable school~~
29 ~~districts to recruit credentialed out-of-state elementary,~~
30 ~~secondary, and special education teachers to relocate to~~
31 ~~California.~~

32 ~~(2) That any and all teachers hired in California pursuant to~~
33 ~~this section fully meet the requirements of the State of California~~
34 ~~or requirements deemed to be equivalent.~~

35 (b) Notwithstanding any other provision of this chapter, the
36 commission shall issue a five-year preliminary multiple subject
37 or single subject teaching credential or a five-year preliminary
38 education specialist credential to any out-of-state prepared
39 teacher who *fully* meets all of the following requirements *or*
40 *equivalent requirements as determined by the commission:*

1 (1) Possesses a baccalaureate degree from a regionally
2 accredited institution of higher education.

3 (2) Completed a teacher preparation program at a regionally
4 accredited institution of higher education.

5 (3) Successfully completes any criminal background check
6 conducted pursuant to Sections 44339, 44340, and 44341 for
7 credentialing purposes.

8 (4) Earned or qualified for a corresponding elementary,
9 secondary, or special education teaching credential based upon
10 the out-of-state teacher preparation program. The commission
11 shall determine the area of concentration of the California
12 education specialist credential based on the special education
13 program completed out of state.

14 ~~(e) An out-of-state prepared teacher who has been issued a~~
15 ~~California five-year preliminary multiple subject, single subject,~~
16 ~~or education specialist teaching credential shall pass the state~~
17 ~~basic skills proficiency test, administered by the commission~~
18 ~~pursuant to Section 44252, within one year of the issuance date~~
19 ~~of the credential in order to be eligible to continue teaching~~
20 ~~pursuant to this section, unless the commission determines that~~
21 ~~the teacher licensing body of the state in which the teacher~~
22 ~~completed his or her preparation requires an applicant to~~
23 ~~demonstrate a level of basic skills proficiency that is at least~~
24 ~~comparable to passage of the state basic skills proficiency test.~~

25 ~~(d)~~

26 (c) The commission shall issue a professional clear credential
27 to an out-of-state prepared teacher who has met the requirements
28 in subdivision (b) and who meets the following requirements:

29 ~~(1) Passage of the state basic skills proficiency test~~
30 ~~administered by the commission pursuant to Section 44252,~~
31 ~~unless the commission determines that the teacher licensing body~~
32 ~~of the state in which the teacher completed his or her preparation~~
33 ~~requires an applicant to demonstrate a level of basic skills~~
34 ~~proficiency that is at least comparable to passage of the state~~
35 ~~basic skills proficiency test.~~

36 ~~(2)~~

37 (1) Demonstration of subject matter competence by
38 completion of coursework or an examination approved by the
39 commission pursuant to paragraph (5) of subdivision (b) of
40 Section 44259. Completion of subject matter in another state that

1 is determined by the commission to be comparable or equivalent
2 pursuant to paragraph (1) of subdivision (a) of Section 44274.1
3 shall meet this requirement.

4 ~~(3)–~~

5 (2) Completion of a course, or for multiple subject and
6 education specialist credentials, a course or an examination, on
7 the various methods of teaching reading pursuant to paragraph
8 (4) of subdivision (b) of Section 44259. Completion of
9 coursework in another state determined by the commission to be
10 comparable and equivalent pursuant to paragraph (2) of
11 subdivision (a) of Section 44274.1 shall meet this requirement.

12 ~~(4)–~~

13 (3) Completion of a course or examination on the provisions
14 and principles of the United States Constitution pursuant to
15 paragraph (6) of subdivision (b) of Section 44259. Completion of
16 coursework in another state determined by the commission to be
17 comparable and equivalent shall meet this requirement.

18 ~~(5)–~~

19 (4) With the exception of the education specialist credential,
20 completion of study and field experience in methods of
21 delivering appropriate educational services to pupils with
22 exceptional needs in regular education programs. Completion of
23 coursework in another state determined by the commission to be
24 comparable and equivalent shall meet this requirement.

25 ~~(6)–~~

26 (5) Completion of the study of computer-based technology
27 through demonstration by course or examination of basic
28 competence in the use of computers in the classroom, and study
29 of advanced computer-based technology, including the uses of
30 technology in educational settings pursuant to subparagraph (C)
31 of paragraph (3) of subdivision (c) of Section 44259. Completion
32 of coursework in another state determined by the commission to
33 be comparable and equivalent shall meet this requirement.

34 ~~(7) Completion of a fifth-year program at a regionally~~
35 ~~accredited institution of higher education, except that the~~
36 ~~commission shall eliminate this requirement for any candidate~~
37 ~~who has completed an induction program for beginning teachers.~~
38 ~~Completion of preparation in another state determined by the~~
39 ~~commission to be comparable and equivalent to the requirement~~
40 ~~specified by this paragraph shall meet this requirement.~~

~~(8)–~~

(6) A teacher holding a specialist credential pursuant to this section shall complete the requirements for nonspecial education pedagogy and a supervised field experience program in general education pursuant to Section 44265.

~~(9)–~~

(7) A teacher holding a specialist credential pursuant to this section shall complete a program for the Professional Level II credential accredited by the Committee on Accreditation, established pursuant to Section 44373, and the requirements specified in this subdivision.

SEC. 10. Section 44830 of the Education Code is repealed.

~~44830. (a) The governing board of a school district shall employ for positions requiring certification qualifications, only persons who possess the qualifications therefor prescribed by law. It is contrary to the public policy of this state for any person or persons charged, by the governing boards, with the responsibility of recommending persons for employment by the boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of the applicants for that employment.~~

~~(b) A school district governing board shall not initially hire on a permanent, temporary, or substitute basis a certificated person seeking employment in the capacity designated in his or her credential, unless that person has demonstrated basic skills proficiency as provided in Section 44252.5 or is exempted from the requirement by subdivision (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), or (m).~~

~~(1) The governing board of a school district, with the authorization of the Commission on Teacher Credentialing, may administer the state basic skills proficiency test required under Sections 44252 and 44252.5.~~

~~(2) The superintendent, in conjunction with the commission and local governing boards, shall take steps necessary to ensure the effective implementation of this subdivision.~~

~~It is the intent of the Legislature that in effectively implementing this subdivision, school district governing boards shall direct superintendents of schools to prepare for emergencies by developing a pool of qualified emergency substitute teachers. This preparation shall include public notice of the test~~

1 requirements and of the dates and locations of administrations of
2 the tests. District governing boards shall make special efforts to
3 encourage individuals who are known to be qualified in other
4 respects as substitutes to take the state basic skills proficiency
5 test at its earliest administration.

6 ~~(3) Demonstration of proficiency in reading, writing, and~~
7 ~~mathematics by any person pursuant to Section 44252 satisfies~~
8 ~~the requirements of this subdivision.~~

9 ~~(c) (1) A certificated person is not required to take the state~~
10 ~~basic skills proficiency test if he or she has been employed in a~~
11 ~~position requiring certification in any school district within 39~~
12 ~~months prior to employment with the district or if he or she is a~~
13 ~~retired certificated employee who meets all of the following~~
14 ~~requirements:~~

15 ~~(A) He or she has taught 15 years or more in a California~~
16 ~~public school.~~

17 ~~(B) He or she has been employed at least five of those 15~~
18 ~~years in the same school district that desires to reemploy that~~
19 ~~person and has been employed as a full-time classroom teacher~~
20 ~~within the last five years or concurrently enrolls in a teacher~~
21 ~~refresher course that meets all of the following requirements:~~

22 ~~(i) The course is developed and administered by the~~
23 ~~employing school district.~~

24 ~~(ii) The course is aligned with the state content and~~
25 ~~performance standards for pupils, adopted pursuant to~~
26 ~~subdivision (a) of Section 60605.~~

27 ~~(iii) The course is approved by the local governing board.~~

28 ~~(C) He or she has been employed as a classroom teacher or~~
29 ~~administrator within the last 10 years.~~

30 ~~(2) A person holding a valid California credential who has not~~
31 ~~been employed in a position requiring certification in any school~~
32 ~~district within 39 months prior to employment and who has not~~
33 ~~taken the state basic skills proficiency test, but who has passed a~~
34 ~~basic skills proficiency examination that has been developed and~~
35 ~~administered by the school district offering that person~~
36 ~~employment, may be employed by the governing board of that~~
37 ~~school district on a temporary basis on the condition that he or~~
38 ~~she will take the state basic skills proficiency test within one year~~
39 ~~of the date of his or her employment.~~

~~(3) A certificated person who is employed for purposes of the class size reduction program set forth in Chapter 6.10 (commencing with Section 52120) of Part 28 is not required to take the state basic skills proficiency test if he or she has been employed in a position requiring certification in any school district within 39 months prior to employment with the district. A person holding a valid California credential who has not been employed in a position requiring certification in any school district within 39 months prior to employment for purposes of the class size reduction program and who has not taken the state basic skills proficiency test may be employed by the governing board of that school district on a temporary basis on the condition that he or she will take the state basic skills proficiency test within one calendar year of the date of his or her employment.~~

~~(d) This section does not require a person employed solely for purposes of teaching adults in an apprenticeship program, approved by the Apprenticeship Standards Division of the Department of Industrial Relations, to pass the state proficiency assessment instrument as a condition of employment.~~

~~(e) This section does not require the holder of a child care permit or a permit authorizing service in a development center for the handicapped to take the state basic skills proficiency test, so long as the holder of the permit is not required to have a baccalaureate degree.~~

~~(f) This section does not require the holder of a credential issued by the commission who seeks an additional credential or authorization to teach, to take the state basic skills proficiency test.~~

~~(g) This section does not require the holder of a credential to provide service in the health profession to take the state basic skills proficiency test, if that person does not teach in the public schools.~~

~~(h) If the state basic skills proficiency test is not administered at the time of hiring, the holder of a vocational designated subject credential who has not already taken and passed the state basic skills proficiency test may be hired on the condition that he or she will take the test at its next local administration.~~

~~(i) If the holder of a vocational designated subject credential does not pass a proficiency assessment in basic skills pursuant to this section, he or she shall be given one year in which to retake~~

1 and pass the proficiency assessment in basic skills. If at the
2 expiration of the one-year period he or she has not passed the
3 proficiency assessment in basic skills, he or she shall be subject
4 to dismissal under procedures established in Article 3
5 (commencing with Section 44930).

6 (j) This section does not require the holder of a vocational
7 designated subject credential to pass the state basic skills
8 proficiency test as a condition of employment. The governing
9 board of each school district, or each governing board of a
10 consortium of school districts, or each governing board involved
11 in a joint powers agreement, which employs the holder of a
12 vocational designated subject credential shall establish its own
13 basic skills proficiency for these credentials and shall arrange for
14 those individuals to be assessed. The basic skills proficiency
15 criteria established by the governing board shall be at least
16 equivalent to the test required by the district, or in the case of a
17 consortium or a joint powers agreement, by any of the
18 participating districts, for graduation from high school. The
19 governing board or boards may charge a fee to individuals being
20 tested to cover the costs of the test, including the costs of
21 developing, administering, and grading the test.

22 (k) This section does not require the holder of an adult
23 education designated subject credential for other than academic
24 subjects, who is employed in an instructional setting for 20 hours
25 or less per week, to pass the state proficiency assessment as a
26 condition of employment.

27 (l) This section does not require certificated personnel
28 employed under a foreign exchange program to take the state
29 basic skills proficiency test. The maximum period of exemption
30 under this subdivision shall be one year.

31 (m) Notwithstanding any other law, a school district may hire
32 a certificated teacher who has not taken the state basic skills
33 proficiency test if that person has not yet been afforded the
34 opportunity to take the test. The person shall take the test at the
35 earliest opportunity and may remain employed by the district
36 pending the receipt of his or her test results.

37 *SEC. 11. Section 13 of Chapter 902 of the Statutes of 2004 is*
38 *repealed.*

39 *Sec. 13. By June 30, 2005, the Commission on Teacher*
40 *Credentialing shall report to the Legislature and the Governor on*

1 ~~the comparability and equivalency of the preparation of teachers~~
2 ~~in other states in the areas of basic skills proficiency and~~
3 ~~fifth-year programs, including, but not limited to, the number of~~
4 ~~states that have met these requirements.~~

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6
7 **All matter omitted in this version of the bill**
8 **appears in the bill as amended in Senate,**
9 **May 4, 2005 (JR11)**
10
11

12
13 **CORRECTIONS:** _____

14 **Digest – Pages 2 and 3.**

15 **Text – Page 19.** _____
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